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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on:23.10.2018

\+ BAIL APPLN. 2816/2014

GAURAV TULI ..... Petitioner

versus

STATE OF NCT OF DELHI ..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. K.K. Manan, Sr. Advocate with Ms. Shivani Kant, Mr. Shikhar Tandon, Ms. Rashi Rampal, Ms. Akahksha Mehrotra, Ms. Komal and Mr. Mukul Aggarwal, Advocates.

For the Respondent : Mr. Hirein Sharma, APP for the State.
SI Pramod Kumar, PS Shalimar Bagh.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
23.10.2018

SANJEEV SACHDEVA, J. (ORAL)

BAIL APPLN. 2816/2014 & Crl.M.A.1894/2015 (for clarification of order dated 12.01.2015), Crl.M.A.4333/2018 (for extension of interim bail 16.12.2015)

1. Petitioner seeks regular bail in FIR No.94/2013 under Section 376 (2)(G)/328/34 IPC, Police Station Shalimar Bagh.

2. The allegations against the petitioner are that the petitioner had committed an offence of rape on prosecutrix by giving her an

intoxicant in a sweet. The allegations are that the prosecutrix was taken by the co-accused to the shop of one of the co-accused where the petitioner is alleged to have committed rape on her. Thereafter, it is alleged that the petitioner had taken certain photographs which were being used to force the prosecutrix into a physical relationship with the petitioner.

3. Learned senior counsel for the petitioner submits that the prosecutrix had made contradictory statements in her testimony before the Trial Court and has twice taken a complete U-turn from the allegations levelled. It is submitted that the allegations are that the petitioner had threatened the prosecutrix and that is the reason that she had resiled from her earlier testimony.

4. Learned senior counsel for the petitioner points out that the petitioner has been on interim bail since 16.12.2015 and the testimony of the prosecutrix has already been recorded. He submits that there is no possibility of petitioner now, in any manner, influencing the trial or affecting the witnesses. Learned senior counsel for the petitioner further submits that the co-accused has already been admitted to regular bail.

5. Learned APP for the State, under instructions from the Investigating Officer, submits that all the public witnesses have already been examined and only formal/official witnesses remain to be examined.

6. Without commenting on the merits of the case and keeping in view of the facts and circumstances of the case and the fact that the petitioner has been on interim bail since 16.12.2015 and the testimony of the prosecutrix and public witnesses have already been concluded, I am satisfied that the petitioner has made out a case for grant of regular bail.

7. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the trial court, the petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. Petitioner shall not leave the country without the permission of the Trial Court.

8. Petition is disposed of in the above terms.

9. Order *dasti* under the signatures of the Court Master.

OCTOBER 23, 2018 **SANJEEV SACHDEVA, J**
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